

REMARKS

In the Office Action mailed September 21, 2006, the Examiner noted that claims 1-30 were pending, objected to claim 26 and rejected claims 1-25 and 27-30. Claims 1, 5, 8, 12, 15, 16, 19-22 and 26-28 have been amended, new claim 31 has been added and, thus, in view of the forgoing claims 1-31 remain pending for reconsideration which is requested. No new matter has been added. The Examiner's rejections and objections are traversed below.

In the Office Action the Examiner objected to claim 26 and indicated that this claim would be allowable if rewritten in independent form. This claim has been so rewritten and it is submitted that this claim has not been narrowed and has the same scope as prior to being made independent and is now allowable. Withdrawal of the objection is requested.

In the Office Action the Examiner rejected claims 8 and 15-19 under 35 U.S.C. section 112 paragraph 2 as indefinite. The claims have been amended in consideration of the Examiner's comments and it is submitted they satisfy the requirements of the statute. If additional concerns with the claims arise, the Examiner is invited to telephone to resolve the same. Suggestions by the Examiner are also welcome. Withdrawal of the rejection is requested.

On page 3 of the Office Action, the Examiner rejected claims 1-6 and 6-9 under 35 U.S.C. § 102 as anticipated by Ono.

The Examiner particularly pointed to figures 6 and 7 of Ono. In particular, Ono discusses the arc of the hand when make a stroke but does not layout the menu items in an arc. The menu items are in a stair-stepped arrangement with an inclination angle that is specified as constant (see col. 3, line 32) and a stair step constant process is used as shown in figure 10. If you draw a line through the corners of the menu item boxes in figure 6 of Ono, a straight line is formed.

In contrast, the graphic interface area and the controls therein are in an "arc shape" (see claim 1, see also claims 12, 20, 27 and 28 and "arc" - claims 15 and 19).

It is submitted that claim 1, as well as claims 12, 15, 19, 20, 27 and 28 patentably distinguish over Ono and withdrawal of the rejection is requested.

On page 5 of the Office Action, the Examiner rejected claims 1, 5, 11, 12, 14, 20-25 and 27-30 under 35 U.S.C. § 102 as anticipated by Keely. Pages 10-17 of the Office Action rejects claims 10, 13 and 15-19 under 35 U.S.C. § 103 over Keely alone or variously with Kurtenbach and Anderson.

In pointing to the teachings of Keely the Examiner particularly notes the radial, pop-up marking menu discussion and corresponding figures of Keely. A marking menu, if it is displayed at all, is a transient menu. In contrast, the menu of the present invention is a menu bar type menu that is "persistent" (see claims 1, 12, 15, 19, 20, 27 and 28 and see application paragraphs 22, 32 and 43)

Kurtenbach and Anderson add nothing to Keely with respect to this feature.

Withdrawal of the rejection for this reason is requested.

Claims 5, 12, 15, 19, 21, 22 and 28 emphasize that the interface is located in a "corner". The prior art does not teach or suggest this. The Examiner asserts that Keely teaches such in col. 7, lines 10-12. This text particularly states:

A comparison of FIGS. 11 and 12 shows that the hand of a left handed, western writing person is generally in a different position than that of a right handed person and, as a result, the semi-circle of the menu 170 may be somewhat compressed and oriented downward toward a corner of the display.
(See Keely, col. 7, lines 7-12)

This text does not say that the menu 170 is located in a corner.

Kurtenbach and Anderson also add nothing to Keely with respect to this corner feature.

It is submitted that the claims distinguish over the prior art and withdrawal of the rejection is requested.

The dependent claims depend from the above-discussed independent claims and are patentable over the prior art for the reasons discussed above. The dependent claims also recite additional features not taught or suggested by the prior art. For example, claim 2 emphasizes the natural motion is when an elbow of the user is pivoted. In contrast, the motion noted by Ono and Keely is the wrist or hand motion, see Ono at col. 3, lines 20 and 31 and Keely at col. 6, line 58. It is submitted that the dependent claims are independently patentable over the prior art.

New claim 31 emphasizes a semicircular shaped, display edge intersecting menu bar interface graphic. Nothing in the prior art teaches or suggests such. It is submitted that this new claim, which is different and not narrower than prior filed claims, distinguishes over the prior art.

It is submitted that the claims satisfy the requirements of 35 U.S.C. 112. It is also submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If any further fees, other than and except for the issue fee, are necessary with respect to this paper, the U.S.P.T.O. is requested to obtain the same from deposit account number 19-3935.

Respectfully submitted,

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